

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division
Civil Case No. 9:23-cv-81257-ROSENBERG/REINHART

THE INSTITUTE FOR REGIONAL
CONSERVATION, CENTER FOR
BIOLOGICAL DIVERSITY, and the
NATIONAL PARKS CONSERVATION
ASSOCIATION,

Plaintiffs,

v.

MARTHA WILLIAMS, in her official
capacity as Director of the U.S. Fish and
Wildlife Service, DEBRA HAALAND, in her
official capacity as Secretary of the U.S.
Department of the Interior, and U.S. FISH &
WILDLIFE SERVICE,

Defendants.

**UNOPPOSED MOTION FOR LEAVE TO AMEND THE JOINT SCHEDULING
REPORT AND PROPOSED ORDER (ECF No. 12)**

Defendants, Martha Williams, in her official capacity as Director of the U.S. Fish and Wildlife Service (“Service”), Debra Haaland, in her official capacity as Secretary of the U.S. Department of the Interior, and the Service (collectively, “Federal Defendants”) respectfully request that the Court grant this motion for leave to amend the Joint Scheduling Report and Proposed Order (ECF No. 12) (“Joint Scheduling Report”). In support of this motion, Federal Defendants state as follows:

1. Pursuant to this Court’s September 13, 2023, Order, ECF No. 5, and Local Rule 16.1, on November 14, 2023, the parties submitted their Joint Scheduling Report, ECF No. 12,

in which the parties proposed a schedule for the resolution of Plaintiffs' claims. As of this filing, the proposed briefing schedule has not been entered.

2. To date, the parties have engaged in substantive settlement negotiations in an attempt to resolve Plaintiffs' claims without the need for further litigation. Amending the Joint Scheduling Report as proposed below will allow the parties more time to determine whether settlement is possible and may serve judicial economy by resolving this case without further expenditure of the Court's resources.

3. Federal Defendants, therefore, respectfully request leave to amend the Joint Scheduling Report and extend all existing briefing deadlines by 14-days to provide additional time to explore the possibility of settlement.

4. This motion is made in good faith for the purposes of facilitating the efficient resolution of this action. No party will be prejudiced by the relief requested in this motion, and the motion is not filed for the purposes of delay.

5. Enlargements of time are permitted with good cause by Federal Rule of Civil Procedure 6(b). Such enlargements of time should be liberally granted absent a showing of bad faith or undue prejudice. *See, e.g., Lizarazo v. Miami-Dade Corrections & Rehab. Dept.*, 878 F.3d 1008, 1012 (11th Cir. 2017) (citing *U.S. v. Miller Bros. Constr. Co.*, 505 F.2d 1031, 1035 (10th Cir. 1974)).

6. Based on the foregoing, pursuant to Fed. R. Civ. P. 6(b)(1)(A), Federal Defendants have demonstrated good cause for leave to amend the Joint Scheduling Report to provide additional time for the parties to engage in settlement negotiations.

7. Federal Defendants' counsel conferred with Plaintiffs' attorneys with respect to the relief sought in this motion. Plaintiffs' attorneys indicated that they do not oppose amending the

Joint Scheduling Report to extend all existing briefing deadlines by 14-days as follows:

- a. January 24, 2024 – Federal Defendants file their motion for summary judgment (20 pages);
- b. February 21, 2024 – Plaintiffs file their combined cross-motion for summary judgment and opposition to Federal Defendants’ motion for summary judgment (20 pages);
- c. March 13, 2024 – Federal Defendants file a combined opposition to Plaintiffs’ cross-motion for summary judgment and reply in support of Federal Defendants’ motion for summary judgment (10 pages);
- d. April 3, 2024 – Plaintiffs file a reply in support of their cross-motion for summary judgment (10 pages).

Accordingly, Federal Defendants respectfully request the Court to enter an order granting their unopposed request for leave to amend the Joint Scheduling Report and adopting the proposed amended briefing schedule.

CERTIFICATION UNDER LOCAL RULE 7.1(a)(3)

Pursuant to Local Rule 7.1(a)(3), I hereby certify that Jacob Jose, counsel for Federal Defendants, conferred with Plaintiffs’ attorneys regarding the relief requested herein. They do not oppose amending the Joint Scheduling Report as proposed herein.

Dated: January 9, 2024

Respectfully submitted,

TODD KIM, Assistant Attorney General
JAY GOVINDAN, Section Chief
NICOLE M. SMITH, Assistant Section Chief

/s/ Jacob Jose
JACOB JOSE,
Trial Attorney (CO Bar No. 59582)
U.S. Department of Justice

Environment & Natural Resources Division
Wildlife & Marine Resources Section
Ben Franklin Station, P.O. Box 7611
Washington, DC 20044-7611
Tel: (202) 341-1749
Fax: (202) 305-0275
Email: jacob.jose@usdoj.gov

Attorneys for Federal Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Jacob Jose
JACOB JOSE
Attorney for Federal Defendants